

SENATE CONCURRENT RESOLUTION NO. 42

BY SENATOR MORRISH

A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to study and make recommendations regarding the applicability of "possessory action", as provided in the Louisiana Code of Civil Procedure Articles 3655 through 3662, relative to claims of possession by an individual of another person's land even though that landowner has occupied the land undisturbed for many years.

WHEREAS, the law regarding "possessory action" has received minimal changes since it was enacted; and

WHEREAS, Code of Civil Procedure Article 3660(A) states, "A person is in possession of immovable property or of a real right therein, within the intendment of the articles of this Chapter, when he has the corporeal possession thereof, or civil possession thereof preceded by corporeal possession by him or his ancestors in title, and possesses for himself, whether in good or bad faith, or even as a usurper."; and

WHEREAS, the clause "whether in good or bad faith, or even as a usurper" is often unfair to landowners because of its abuse in practical application.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the Louisiana State Law Institute to study and make recommendations regarding the applicability of "possessory action", as provided in the Louisiana Code of Civil Procedure Articles 3655 through 3663, to claims of possession by an individual of another person's land even though that landowner has occupied the land undisturbed for many years.

BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall submit a written report of its findings, together with any proposed legislation, to the Legislature of Louisiana no later than February 1, 2017.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the Director of the Louisiana State Law Institute.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES